

REMARKS

The undersigned Applicants' attorney thanks the Examiner and the Examiner's supervisor for the many courtesies extended during the telephonic interview of April 20, 2010.

Claims 4-9 and 13-18 are pending and have been examined on the merits. Claims 4, 7, 13 and 16 have been amended hereinabove. Support for the amended claims can be found in the specification, from page 8, line 23 to page 9, line 14 and figures 3, 4A and 4B. No new matter has been added.

In this Final Office Action, the claims are rejected and objected to as follows:

Claims 4-9 and 13-18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Root et al. (Journal of General Virology, 2000, hereinafter "Root") in view of Stewart et al. (Biochemistry, 1999, hereinafter "Stewart") and Heredia et al. (Journal of Acquired Immune Deficiency Syndrome, 2000, hereinafter "Heredia");

Applicants respectfully traverse.

The presently claimed invention is directed to methods for inhibiting the replication of influenza virus by administering resveratrol. Resveratrol has been found to be capable to inhibit the replication of the virus particle into the cell, but not to inhibit the viral entry into the target cells (*e.g.*, from page 8 line 23, to page 9 line 14, figures 3, 4A and 4B).

Root does not disclose Applicants' invention. Root only provides for a specific PKC inhibitor bisindolylmaleimide I.HCl which is crucial for influenza virus entry (*e.g.*,

page 2698, end of left col. to beginning of right col. and from page 2701, last paragraph of left col to page 2703 first two lines.).

Thus, Root does not disclose a method for inhibit influenza virus replication without inhibiting influenza virus target cell entry as presently claimed.

Stewart also does not disclose Applicants' claimed subject matter and does not make up for Root's deficiencies.

Stewart only teaches the anti-cancer activity of resveratrol (*e.g.*, page 13244, col. 1, lines 3-4).

Accordingly, for the reason set forth above, not only the combination of Root and Stewart still would not have rendered obvious the claimed subject matter, but there would be no motivation to combine the teachings of Root with the teachings of Stewart.

Root only provides for a highly specific PKC inhibitor to block the entry mechanism of the influenza virus, while Stewart is completely silent with regard to any antiviral activity of resveratrol. Thus, the teaching of Root combined with the teaching of Stewart would not have rendered obvious the claimed subject matter.

Heredia also does not teach Applicants' claimed invention and does not correct Root's and Stewart's defects.

Heredia teaches that resveratrol synergistically inhibits HIV replication (*e.g.*, summary, lines 3-5). Given that the teachings on HIV-1 are non-transferable to influenza, the skilled person would not find the motivation in Heredia for using resveratrol to inhibit influenza virus replication.

As set forth above, Root stand for the proposition of inhibiting viral entry into the target cells with a very specific PKC inhibitor. Stewart is completely silent with regard of viruses and only discloses a compound whose very weak PKC inhibition cannot even account for its anti-tumor activity. Heredia teaches an anti-HIV combination. Thus, none of the three references, alone or in combination, discloses, teaches or even suggests the possibility of using resveratrol to inhibit influenza virus replication without inhibiting viral entry into the target cells.

Accordingly, for the reasons set forth above, it is respectfully submitted that the combination of the cited references fails to render obvious the subject matter of claims 4-9 and 13-18. Thus, withdrawal of the rejection of the claims under 35 U.S.C. § 103 (a) over Root in view of Stewart and Heredia is respectfully requested.

This response is being filed within the shortened statutory period for response, thus, no fees are believed to be due. If, on the other hand, it is determined that further fees are necessary or any overpayment has been made, the Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. § 1.136(a), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time of its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated herewith is to be charged to the above-mentioned deposit account.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted

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